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ZURICH, SWITZERLAND

May 1, 2008

VIA ELECTRONIC FILING

The Honorable Naomi Reice Buchwald

United States District Court

Southern District of New York

500 Pearl Street

New York, NY 10007

RE: *Mr. Jiri Pik v. The Institute of International Education et. al.*

United States District Court

Southern District of New York

Case No.: 08 CV 3909

Our File No.: 00270-0362

Dear Judge Buchwald:

My office represents the Plaintiff, Jiri Pik, in the above matter. On Monday, April 21st our messenger service, Karen's Messenger, picked up from our office the original of the Complaint and two Summonses (one for each Defendant) along with a check in the amount of \$350 and a completed Civil Cover Sheet. Copies of the documents were also enclosed in order to be stamped and returned to my office by the messenger so that we had file-stamped copies in hand. The messenger arrived at the federal courthouse at approximately 5 p.m. on Monday afternoon, the 21st. When he arrived, the Marshall's Office would not let the messenger past security and instead accepted the papers, even though they were to be filed. The Marshall's Office stamped the messenger's Manifest, showing receipt of the documents. A copy of the Manifest is enclosed herein. We also enclose a copy of the front and back of the check included with the papers to be filed. As Your Honor will see, the back of the check was stamped by the Clerk's Office and dated April 22, 2008. Apparently, the documents were transmitted from the Marshall's Office to the Clerk's Office the next day, April 22nd.

From Tuesday, April 22nd through Thursday morning, April 24th, I placed approximately eight phone calls to the court to confirm receipt of the documents. Since the Marshall's Office would not allow my messenger to enter the building to physically file the papers, I did not have my stamped copies. I spoke to several people in the Clerk's Office, mail room personnel and representatives from the Marshall's Office. Although everyone tried to be helpful, no one had

The Honorable Naomi Reice Buchwald
May 1, 2008
Page 2

any record of the documents being received or any explanation why they did not appear in the Court's records. On Thursday afternoon, April 24th, we received the enclosed letter from the Deputy Clerk indicating that the papers were not accepted for filing because on the Civil Cover Sheet we had checked the boxes that identified the citizenship of both Defendants. Since there are two Defendants in the case, we checked a box identifying the citizenship of each one. As it turned out, the Clerk rejected the papers for filing on the grounds that, even if there are more than one Defendant, the citizenship of only a single Defendant is to be identified. Frankly, this seems to be rather odd especially since diversity cases are based upon there being complete diversity between each Defendant and the Plaintiff. In any case, whether the citizenship of one, two or any number of Defendants should be noted on the Civil Cover Sheet hardly seems a fair basis to reject the Complaint for filing.

When we learned of this problem on Thursday afternoon, April 24th, I again attempted to call the Clerk's Office to discuss the matter. Since I was unable to reach anyone able to address the problem Thursday afternoon, we made the change on the Civil Cover Sheet and had the papers filed the next morning, April 25th. Although I left the country that day, I still attempted to follow up by phone in order to have the papers deemed filed on April 22nd, the date they were stamped by the Court. I was unable to reach the person to whom I was told I need to speak to in the clerk's office, Cecilia, until today. After speaking to her, it was agreed that the best way to resolve this problem was to write to Your Honor requesting that the papers be deemed filed on April 22nd. As it turns out, in this particular case the filing date is of potential significance.

Based on the foregoing circumstances, I respectfully request that the lawsuit be deemed filed on April 22, 2008.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Sheldon Karasik'. The signature is fluid and cursive, with a large loop at the end.

Sheldon Karasik

SK/rm
enc.

MESSANGER MANIFEST

RECEIVED IN GOOD CONDITION

THE SENDER HEREBY DECLARES THE VALUE OF ANY ONE SHIPMENT CONSISTING OF ONE OR MORE PACKAGES IS NOT GREATER THAN \$50.00 AND LIMITS OUR LIABILITY UP TO \$50.00. UNLESS SENDER DECLARES GREATER VALUE.

Collect Calls will NOT be Accepted



Karen's messenger
 212-971-9554
 917-903-1972

Messenger Name: Karen

Messenger #: 4/m/68

Date: 4/m/68

#	TKT#	PICKUP FROM	DELIVER TO	PCS / WGT	SIGNATURE	PRINT NAME	TIME	EXP
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ASL

ASL

500
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Office of the Clerk
500 Pearl Street
New York, NY 10007

Dear Sir/Madam:

The enclosed document(s) is/are being returned for the following reason(s):

- ☐ Filing fee of \$_____ is required
- ☐ Fee is premature until motion has been granted or denied
- ☐ No personal checks, check must be certified or enclose a money order
- ☐ Certificate of good standing (COGS) from a New York State Court must be issued within thirty days. If COGS is from VT or CT **both** Federal and State certificates are needed and must be issued within thirty days (Local Rule 1.3)
- ☐ Sponsor must know petitioner for at least one full year, specific date needed if it is only one year (Local Rule 1.3)

New Action could not be opened due to following:

- ☐ One original and two copies of SDNY civil cover sheets (JS44C/SDNY) are needed
- ☐ One original and one copy of Federal Rule 7.1 are needed
- ☐ Only one Nature of Suit can be marked off
- ☐ Signing Attorney must be admitted in the Southern District
- ☐ If relating new action, SDNY case number and judge are needed

Under Basis of Jurisdiction:

- ☐ U. S. Plaintiff/ U. S. Defendant is for government agencies only
- ☐ Cannot file as Federal Question and Diversity
- ☐ Citizenship of Principal Parties is for Diversity cases only
- ☒ Only one box for plaintiff and one box for defendant allowed under Citizenship of Principal Parties no matter how many parties are involved
- ☐ Diversity and Nature of Suit #890 (other statutory actions) can not be chosen together
- ☐ Other

Please comply with the above checked item(s) and resubmit said document(s) in conformity to the Rules of this court. Thank you for your cooperation.

APR 22 2008

Date _____

Deputy Clerk

KARASIK & ASSOCIATES LLC

28 W 36TH ST 901
NEW YORK, NY 10018-8002

2081

1-108/210

DATE

4/21/08

THE
ORDER OF

Clarke's Office, Southern District of New York

\$ 350.00

Three Hundred and Fifty

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Security
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Details on
Back.

HSBC



NEW YORK, NY 10018

[Signature]

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Pay TO THE ORDER OF
JPMORGAN CHASE BANK
FOR DEPOSIT ONLY
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NY
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1-4-22-08